

REMARKS

Upon entry of the instant Amendment, claims 1-30 will be pending in the application. By this amendment, claims 5, 12, 17, 19, 21 and 22 are amended and claims 25-30 are added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Summary of the Official Action

In the Office action, the Examiner indicated that none of the certified copies of the priority document has been received. The Examiner then objected to the drawings and certain claims as containing informalities. The Examiner also rejected claims 5-24 as being non-enabled. Additionally, claims 21, 22 and 24 were rejected as being indefinite. Finally, the Examiner rejected claims 5-24 over the applied art of record. By the present amendment and remarks, Applicant submits that the objections and rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Interview of February 11, 2009

Applicant thanks Examiners Merlino and Lugo for the personal Interview of February 11, 2009. In the interview, the issues noted in the paper filed on February 5, 2009 were discussed.

It was agreed that Applicant would amend Fig. 2 to show arrows illustrating how the lock would move when arranged on a door.

It was agreed that Applicant would amend claims 21 and 24 to delete the "wherein" language because such language was already recited in the claims from which they depend.

It was agreed that the objection to claims 13, 18, 22 would be reconsidered because these claims recite “only” which further limits the claims from which they depend.

It was agreed that Applicant would amend the independent claims to recite that the bolt moves linearly in order to overcome the prior art rejection based on SCHOENLE.

Finally, it was also agreed that the Examiner would reconsider the objections and rejections in view of the arguments presented in the Interview and herein, as well as the proposed amendments.

Status of the Certified Priority Document

The Examiner indicated on the form PTOL-326 that “None of” of the certified copies of the priority documents have been received. Applicant notes that the certified copy of the priority document was filed with the International Bureau and should have been forwarded to the USPTO from the International Bureau. Evidence of such filing is provided in the form PCT/IB/304 filed by Application with the instant application.

Applicant directs the Examiner’s attention to MPEP 1828 which indicates that, with regard to a U.S. National Stage Application, it is not Applicant’s responsibility to provide the same when the priority document has been filed with the PCT International Bureau.

Applicant reminds the Examiner that a formal claim to priority (via Application Data Sheet) was filed in the instant application on July 27, 2006 at the time the instant application was filed. Applicant also submits that a form PCT/IB/304 was submitted with the instant application evidencing that the priority document was in fact submitted to the PCT International Bureau and received by the PCT International Bureau on March 30, 2005.

Accordingly, Applicant respectfully requests that the Examiner indicate such acknowledgment on form PTOL-326 in the next Office Action.

Objection to the Drawings is Moot

The drawings were objected to allegedly because they do not show how the bolt and plate move.

While Applicant disagrees with this basis of objection, Applicant submits that the objection of the drawings is moot inasmuch as Applicant has herein amended Fig. 2 to show movement of the lock when installed on a door consistent with the discussions which took place in the Interview.

Accordingly, Applicant respectfully requests that the above-noted objection be withdrawn.

Objection to the Claims is Moot and/or Traversed

Claims 13, 18 and 22 were objected to allegedly because they do not further limit the claims from they depend. Claims 19 and 21-24 were objected to allegedly because they contain informalities.

While Applicant disagrees that the claims violate any USPTO rules, Applicant submits that the objection of these claims is moot inasmuch claims 19 and 21-24 have been amended in a manner which is consistent with the Examiner's comments in the Interview.

Furthermore, claims 13, 18 and 22 recite the term "only" and therefore further limit the claims from which they depend. The Examiner agreed to the same in the Interview.

With regard to the term “the electromagnetic core” in claims 23 and 24, Applicant submits that this is fully consistent with the “the electromagnetic core” recited in the claims from which these claims depend.

Accordingly, Applicant respectfully requests that the above-noted objection be withdrawn.

The Section 112, 1st paragraph, Rejection, is Moot

Claim 5-24 were rejected as allegedly being non-enabled. Applicant respectfully disagrees with the asserted basis of non-enablement for the reasons asserted in the Interview. Applicant also submits that this rejection is moot inasmuch as Applicant is herein amending the drawing as suggested by the Examiner in the Interview.

Applicant reiterates that one having ordinary skill in the art, having read the specification and drawings, would have no difficulty understanding how make and use the claimed invention. They would also understand how movement of the bolt 3 shown in Fig. 2 laterally relative to the plate 2 would cause the bolt 3 (when the tapered surfaces engage the opening of the plate 2) to move away from the plate 2 and thereby compress the springs 5.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims.

The Section 112, 2nd paragraph, Rejection, is Moot

Claim 21, 22 and 24 were rejected as allegedly being indefinite. While Applicant respectfully disagrees with the asserted basis of indefiniteness, Applicant submits that this

rejection is moot inasmuch as Applicant is herein amending claims 21, 22 and 24 in a manner to resolve this basis of rejection.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims.

Rejection Under 35 U.S.C. §102 Rejection

Claims 5-15, 17, 18 and 20 were rejected under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 1,238,345 issued to SCHOENLE. This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP §2131. Applicant submits that the applied art does not show each and every feature of the claimed invention.

The present invention relates to an electromagnetic lock which utilizes a linearly movable bolt member which can move from the position shown in Figs. 1 and 2 (the protruding position) to the position shown in Fig. 3 (a retracted position) and vice versa. This linear movement includes (as recited in claim 5) movement in the same direction, i.e., movement along the same path from Fig. 1 to Fig. 3 and from Fig. 3 to Fig. 1 is said to be in the same direction.

More specifically, claim 5 recites:

5. An electromagnetic lock comprising:
a body;
a linearly movable retractable sliding bolt; and
a movable plate structured and arranged in the body to support the retractable sliding bolt and to function as an armature of an electromagnet,
wherein the movable plate is movable via two forces acting in the same direction and is structured and arranged to move the retractable sliding bolt linearly to a protruding position.

Independent claim 12 recites:

12. An electromagnetic lock comprising:
an electromagnetic core;
a linearly movable retractable sliding bolt;
an armature plate supporting the retractable sliding bolt; and
springs biasing the armature plate towards the electromagnetic core,
wherein, when the electromagnetic core is energized, the armature plate linearly moves and positions the retractable sliding bolt in a protruding position and maintains the electromagnetic lock in a locked position, and
wherein, when the electromagnetic core is not energized, forces generated by the springs maintain the protruding position of the retractable sliding bolt.

Independent claim 17 recites:

17. An electromagnetic lock comprising:
a body;
an electromagnetic core arranged in the body;
a bolt member comprising a protruding portion and being movable linearly to a protruding position;
an armature plate arranged in the body; and
springs arranged in the body and biasing the armature plate towards the electromagnetic core,
wherein, when the electromagnetic core is energized, the electromagnetic lock is maintained in a locked position, and
wherein, when the electromagnetic core is not energized, forces generated by the springs maintain the protruding position until the bolt member experiences a force tending to move the bolt member linearly into the body.

As asserted in the Interview and agreed to by the Examiner, SCHOENLE teaches a bolt member 10 which moves in an arcuate manner by virtue of it being arranged in a plate 9 which pivots about pin 8. As such, SCHOENLE does not teach a linearly movable retractable sliding bolt; wherein the movable plate is movable via two forces acting in the same direction and is structured and arranged to move the retractable sliding bolt linearly to a protruding position (claim 5), and/or a linearly movable retractable sliding bolt; wherein, when the electromagnetic core is energized, the armature plate linearly moves and positions the retractable sliding bolt in a protruding position and maintains the electromagnetic lock in a locked position (claim 12, and/or

a bolt member comprising a protruding portion and being movable linearly to a protruding position, wherein, when the electromagnetic core is not energized, forces generated by the springs maintain the protruding position until the bolt member experiences a force tending to move the bolt member linearly into the body (claim 17).

Thus, Applicant submits that SCHOENLE does not disclose all of the features of at least claims 5, 12 and 17, and does not anticipate the claimed invention.

Regarding claims 6-11, 13-15, 28 and 20, Applicant respectfully submits that these claims depend from allowable claims 5, 12 and 17, and are distinguishable from SCHOENLE at least for the reasons described above with respect to claims 5, 12 and 17. Moreover, these claims recite additional features that are not disclosed or suggested by SCHOENLE.

Accordingly, Applicant respectfully requests that the rejection over claims 5-15, 17, 18 and 20 be withdrawn.

Rejection Under 35 U.S.C. §103 Rejection

Claims 16, 19 and 21-24 were rejected under 35 U.S.C. §103(a) for being unpatentable over SCHOENLE in view of U.S. Patent No. 2,586,900 issued to ALDERMAN. This rejection is respectfully traversed.

While acknowledging that SCHOENLE fails to teach the features of these claims, the Examiner asserts that such features are taught in ALDERMAN and that it would have been obvious to combine the teachings of these documents.

As explained above, SCHOENLE teaches a bolt member 10 which moves in an arcuate manner by virtue of it being arranged in a plate 9 which pivots about pin 8. As such, SCHOENLE does not teach a linearly movable retractable sliding bolt; wherein the movable

plate is movable via two forces acting in the same direction and is structured and arranged to move the retractable sliding bolt linearly to a protruding position (claim 5), and/or a linearly movable retractable sliding bolt; wherein, when the electromagnetic core is energized, the armature plate linearly moves and positions the retractable sliding bolt in a protruding position and maintains the electromagnetic lock in a locked position (claim 12), and/or a bolt member comprising a protruding portion and being movable linearly to a protruding position, wherein, when the electromagnetic core is not energized, forces generated by the springs maintain the protruding position until the bolt member experiences a force tending to move the bolt member linearly into the body (claim 17).

ALDERMAN does not cure the deficiencies of SCHOENLE. While Applicant acknowledges that ALDERMAN a bolt member 32 which can move linearly, ALDERMAN does not relate to an electromagnetic lock. Applicant notes that ALDERMAN merely teaches a lock which utilizes permanent magnets 24 (see col. 3, lines 5-8 and col. 4, lines 32-34). Furthermore, the magnets 24 are arranged on the plate 14 and not in the door lock itself (see Fig. 1). As such, there is no basis for moving the magnets of ALDERMAN into the lock body of SCHOENLE. Finally, it is submitted that ALDERMAN, like SCHOENLE, does not teach that the movable plate is movable via two forces acting in the same direction and is structured and arranged to move the retractable sliding bolt linearly to a protruding position (claim 5), and/or that, when the electromagnetic core is energized, the armature plate linearly moves and positions the retractable sliding bolt in a protruding position and maintains the electromagnetic lock in a locked position (claim 12), and/or a bolt member comprising a protruding portion and being movable linearly to a protruding position, wherein, when the electromagnetic core is not energized, forces generated

by the springs maintain the protruding position until the bolt member experiences a force tending to move the bolt member linearly into the body (claim 17).

Thus, Applicant submits that no proper combination of SCHOENLE and ALDERMAN discloses or suggests all of the features of at least claims 5, 12 and 17, and does not render unpatentable the claimed invention.

Regarding claims 16, 19 and 21-24, Applicant respectfully submits that these claims depend from allowable claims 5, 12 and 17, and are distinguishable from SCHOENLE and ALDERMAN at least for the reasons described above with respect to claims 5, 12 and 17. Moreover, these claims recite additional features that are not disclosed or suggested by SCHOENLE and ALDERMAN.

Accordingly, Applicant respectfully requests that the rejection over claims 16, 19 and 21-24 be withdrawn.

New Claims are also Allowable

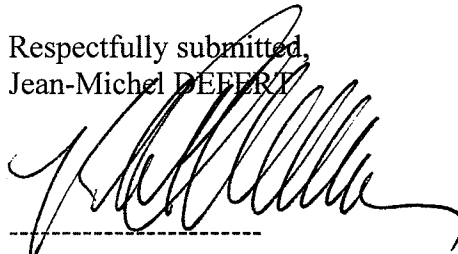
Applicant submits that the new claims 25-30 are allowable over the applied art of record. Specifically, claims 25-30 depend from claims which are believed to be allowable over the applied art and further recite a combination of features which are clearly not disclosed or suggested by the applied art of record. Accordingly, Applicant respectfully requests consideration of these claims and further requests that the above-noted claims be indicated as being allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,
Jean-Michel DEEERT



Neil F. Greenblum
Reg. No. 28,394

Robert W. Mueller
Reg. No. 35,043

February 18, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191